

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Larry A. Peters, P.E. (954-797-1113)

SUBJECT: Off-Site Construction Improvements
Pasadena at Imagination Farms, Inc.

AFFECTED DISTRICT: District 4 - Councilmember Judy Paul

TITLE OF AGENDA ITEM: Construction Improvements

REPORT IN BRIEF: In accordance with The Town of Davie Planning and Zoning Department Planning Report of August 15, 1996, and Broward County requirements, Plat - P 1-2-96 "Imagination Farms East" and the Site Plan was approved subject to specific off site improvements being installed along Orange Drive and SW 142 Avenue for the limits of the Plat and to construct a Turn Lane at Orange Drive and Hiatus Road.

After six years and the construction of 415 homes, none of the agreed improvements have been constructed.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: The Town of Davie has no Bond in place for the Improvements.

RECOMMENDATION(S): Recommend the developer post a bond for all improvements not bonded or not in place.

Attachment(s): Planning Report of August 15, 1996.
Inter Departmental Correspondence

TOWN OF DAVIE
PLANNING AND ZONING DEPARTMENT
PLANNING REPORT

DATE: August 15, 1996

REFERENCE: Plat - P 1-2-96

PLAT NAME: "Imagination Farms East"

APPLICANT: Surveyor: Miller Legg & Associates, Inc.
Owner: Pasadena at Imagination Farms, Inc.


ANALYSIS: Land Use/Zoning: Residential (1 du/ac)/E
Location: Generally located on the north side of Orange Drive
approximately 1/2 mile west of Flamingo Road.
Development Review Committee: see attached summary.

The proposed plat consists of approximately 404.5 acres shown as Parcel "A". Proposed for the site are 404 single family residences with access provided from Orange Drive. Land dedication will be provided for park use when the lot specific site plan is finalized, as required by the settlement stipulation associated with this property.

The plat is in conformance with Town Code requirements and can be considered in final form.

RECOMMENDATION: The Planning and Zoning Department, therefore, recommends APPROVAL of the proposed plat subject to the following:

1. Sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Developer shall construct the following improvements in accordance with Town of Davie standards prior to issuance of any certificates of occupancy for structures within the development. Prior to plat recordation, a sufficient bond shall be posted with the Town of Davie to secure these improvements:
 1. Construction of 10' bridle path along Orange Drive (south side) and SW 142 Avenue for the limits of the plat.
 2. Construction of 6' recreational path along Orange Drive (south side) and SW 142 Avenue for the limits of the plat.
 3. Construction of roadway lighting along Orange Drive and SW 142 Avenue for the limits of the plat.
 4. Construction of guardrails along Orange Drive, as needed.
3. Dedication of land or satisfaction of required recreational impacts fees, by payment or agreement, prior to plat recordation. Land dedication must be



provided for by plat prior to recordation.

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend APPROVAL subject to staff's recommendation (August 14, 1996).

Larry Peters

04/22/2002 11:17 AM

To: Tom Willi/Davie@Davie
cc: Mark Kutney/Davie@Davie, Grace Hall/Davie@Davie, Candice
Ordway/Davie@Davie
Subject: Imagination Farms

Tom,

When can I speak with you about these circumstances? Ten minutes or so, Please advise. Larry

----- Forwarded by Larry Peters/Davie on 04/22/02 10:49 AM -----

 John Phillips

04/19/02 01:30 PM

To: Larry Peters/Davie@Davie, Mark Kutney/Davie@Davie, Curtis
Craig/Davie@Davie, Fernando Leiva/Davie@Davie
cc: Grace Hall/Davie@Davie
Subject:

To All:

In recent month's there has been many questions regarding Pasadena's "Imagination Farms". As we're all aware, this project is nearing completion. In my opinion there has been some confusion as to exactly what type of off-site improvements Pasadena has agreed and committed to install.

After reviewing all engineering files, approved plans as well as Plat & Site plans, the required improvements are as follows:

- 1) Construction of 10' bridle path along Orange Drive (south side) and SW 142 Avenue for limits of the plat.
- 2) Construction of 6' recreational path along Orange Drive (South side) and SW 142 Avenue for limits of the plat.
- 3) Construction of roadway lighting along Orange Drive and SW 142 Avenue for limits of the plat.
- 4) Construction of guardrails along Orange Drive, as needed.

The preceding list of comments can be found in Town of Davie Planning And Zoning Planning Report (Reference Plat-P1-2-96) and Planning Report dated August 15, 1996.

In addition to The Town of Davie's requirements, Broward County also has improvement's required.

- 1) Construction of 5' concrete sidewalk along Orange Drive (North side) for limits of the plat.
- 2) Construction of Turn lane at Orange Drive and Hiatus road.

I have had several conversations with H.J. Zimmerman associates and they seem to think there was an agreement to eliminate most of these requirements. To date, I have been unable to find any such agreements in Town files. Furthermore, H.J. Zimmerman associates have not provided documentation to substantiate their claims.

Please respond with any insight or direction you may have regarding this project.

John Phillips
Chief Engineering Inspector
Town of Davie Fl.

Larry Peters
05/22/2002 11:33
AM

To: Ken Cohen/Davie@Davie
cc: Mark Kutney/Davie@Davie, Grace Hall/Davie@Davie, Tom
Willi/Davie@Davie, Candice Ordway/Davie@Davie
Subject: Imagination Farms east - roadway improvements

Ken,

Attached please find further back up, for the subject off site improvements, from Marcie dated 4/29/02.

Larry
----- Forwarded by Larry Peters/Davie on 05/22/02 11:22 AM -----

Marcie Nolan
04/29/02 10:55 AM

To: Tom Willi/Davie@Davie, Mark Kutney/Davie@Davie, Grace
Hall/Davie@Davie, Fernando Leiva/Davie@Davie, John
Phillips/Davie@Davie, Larry Peters/Davie@Davie, Deborah
Ross/Davie@Davie
cc:
Subject: Imagination Farms east - roadway improvements

I have researched the request from Tom Willi, dated April 12, 2002, regarding the request by Mr. Zimmerman to modify a condition of the site plan for Imagination Farms for the next Town Council meeting (May 1, 2002) and have found the following:

1. The plat was approved with a series of conditions that the Town required prior to the issuance of Certificates of Occupancy (CO). These conditions included the construction of a 10' bridle path along the south side of Orange Drive and SW 142 Avenue and a 6' recreational path along the south side of Orange Drive and SW 142 Ave.

Notes: A plat is approved by a Resolution, any such change to the conditions would require a resolution to approve such modifications.

None of these required improvements have been made, as to date.

The Town did receive a lien on the property to allow the issuance of COs prior to the construction of said improvements. Two houses are currently all the development remaining on the site waiting to receive COs.

2. The plat was also approved through Broward County with the condition that a five foot sidewalk be built on the north side of Orange Drive, at the edge of the right-of-way for Orange Drive.

Notes: I have spoken with the following individuals at Broward County to piece together the facts: Peter Ross, Greenways Coordinator, Elliot Auerhaun, Development Management - plats, Les Specer, Engineering - plats

A landscape berm and landscape material are located within a portion of the R-O-W, and as such, Mr. Zimmerman has been working with the County to satisfy his condition for the sidewalk, as required by Broward County. The County discussed having him place a meandering seven foot sidewalk along the north side of Orange Drive recognizing the curvilinear nature of the berm and the surrounding areas. They also requested seven feet because Orange Drive has been identified as a future Greenways and this seemed like a good time to plan ahead.

The County has not identified as sort of plan for the Greenways along Orange and in fact does not even know which side of the road it will be on.

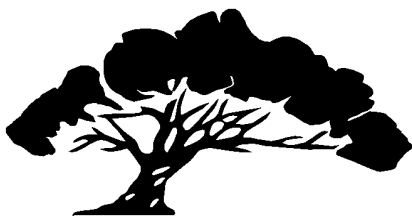
The County has stated that they will be just as happy with a five foot meandering sidewalk.

The County has stated that they have no authority to supersede any condition that the Town has placed on the plat. Also, no mention of the Town's requirement was made to anyone at the County so this requirement has not been approved as in lieu of the Town's requirements.

In conclusion, the Town has identified the linear park along the south side of Orange Drive in the Comprehensive Plan since 1989. The installation of the requirement is an opportunity for the Town to implement the long-range plan, as has been identified and adopted by Council. The request to modify the sidewalk through the County has no bearing on the Town's condition, and as such, Mr. Zimmerman still has the obligation to fulfill his contract with the Town.

If there are any questions or comments please feel free to ask.

thanks - Marcie



MEMORANDUM
DS 07-16-02

TO: Thomas J. Willi, Town Administrator
FROM: Larry A. Peters, P.E., Town Engineer
THRU: Mark A. Kutney, AICP, Development Services Director
DATE: July 16, 2002
RE: Pasadena at Imagination Farms

The following is in response to Dennis Mele's letter regarding outstanding issues for the referenced project dated July 15, 2002.

1. **Bridle Paths:**

This issue is not resolved: Seeding and sodding areas disturbed during construction does not meet the intent of the Development Agreement.

Orange Drive: There is no evidence nor delineation of a bridle path on the south side of Orange Drive. The Town has specific design criteria for bridle paths, and associated landscaping. Mr. Zimmerman stated in the meeting that they rolled the existing swale in order to satisfy this requirement. Plans were to have been submitted, reviewed, approved and inspections performed. All construction was to have been installed in accordance with an approved plan and inspected during construction.

142 Avenue: A "Public Bridle Path" is the intent of the requirement. This issue is not resolved. If the sole purpose of the bridle path behind the homes within Imagination Farms is only for the use of the Imagination Farms residents. The Town's requirements have not been met. We agree this issue should be addressed by Town Council.

2. **Recreational Path:**

142 Avenue: We agree that if this work cannot be performed until the acquisition of the referenced easements, a bond shall be provided.

3. **Recreational Path:**

Orange Drive: There is no evidence in the public records to show that the developer was released from this responsibility. The approved plans and agreement delineate and require the recreational path. If public safety were an issue, it could have been addressed with guard rails and or landscaping. Field measurements, with two exceptions, show an average of 30' distance (width), between the edge of road and the top of the canal bank. A bond shall be provided until the developer meets the agreement and or requirement.

Note: To make a statement, after six years and the completion of 415 homes, that "We are waiting to construct the sidewalk on the north side of Orange Drive until this matter is resolved" is further evidence of the need for an additional bond. The Town requires a 5' sidewalk, on the north side of Orange Drive. Whether it is straight or curved is not the issue. The issue is with the County's requirements.

A cash bond was received July 16, 2002, in the amount of \$33,275.00 for recreational paths. We disagree with the amount of the bond. The Town of Davie's Public Works Department is currently installing the recreational paths along Orange Drive East of Davie Road. Based upon the current cost for the installation of these paths at \$12.50/SY, we estimate that items 2 and 3 above will cost \$ 50,000.00.

4. **Street Lights:** This issue has been resolved.
We have agreed that the Town will sign an agreement with FPL for the service to the street lights and that if any cost for installation are incurred the developer will be responsible.
5. **Guard Rails:** This issue has not been resolved. It is not a new issue. Yes there have been Four Town Engineers since this project started, however, there is not any correspondence, in the file, where any of the previous three have relinquished this requirement. Item 2.4 of the Town of Davie Planning and Zoning Department Report, dated August 15, 1996, for Plat-P1-2-96, states that guard rails are to be constructed along Orange Drive, as needed.

We expressed the need for guard rails to be installed across from the entrance to the community and along the canal at the intersection of Orange and 142 Avenue. Also, if the recreational trail along Orange Drive were a safety issue, there is a possibility that guard rail be used where there is not sufficient clearances.

6. **Sidewalk:** We are in agreement that the sidewalk adjacent to the north side of the landscape berm on Orange Drive is not needed. The approved **Site Plans** should be modified by the original engineering firm and processed as a revision to the site plan. Approval should be obtained thru the standard site plan process.

Equestrian Park: Another issue has been called to our attention regarding this project.

The developer was to have constructed an Equestrian Park in conjunction with the development. The park has been constructed without the approval of the CBWCD. The park is not functional due to standing water and is a health hazard due to the direct runoff of contaminated water into the canal. The developer should hire an engineering firm to prepare a drainage plan for CBWCD's approval. The developer should construct the site in accordance with the approved plan. An additional bond should be placed until these issues are resolved.

It is the Town's desire to issue the remaining Certificates of Occupancy and release the Liens on the property as soon as possible. This can be accomplished though the developer providing an additional bond in the amount of \$ 50,000.00 for all the remaining unresolved items, not including the sidewalk on the north side of Orange Drive.

Should you have any questions, please call.